

# Planning Committee

10am, Thursday, 8 August 2013

## Consultation on Midlothian Local Development Plan Main Issues Report

Item number

Report number

Wards

All

### Links

Coalition pledges [P15](#), and [P50](#)

Council outcomes [CO7](#) and [CO8](#)

Single Outcome Agreement [SO1](#)

### Mark Turley

Director of Services for Communities

Contact: Keith Miller

E-mail: [keith.miller@edinburgh.gov.uk](mailto:keith.miller@edinburgh.gov.uk) | Tel: 0131 469 3665

# Executive summary

## Consultation on Midlothian Local Plan Main Issues Report

### Summary

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The purpose of this report is to approve the Committee's response to Midlothian Council's Local Development Plan Main Issues Report consultation.

The Main Issues Report sets out Midlothian Council's updated development strategy and planning policy framework to guide development in Midlothian until 2024. It also incorporates the requirements of the SESplan Strategic Development Plan. The Council's response welcomes the publication of the MIR and the opportunity to provide comments. The response, although supportive overall of the content of the document, identifies a number of areas of concern which it considers could have a significant impact on Edinburgh, and requests that Midlothian Council addresses these concerns in the Proposed Plan.

### Recommendations

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It is recommended that the Committee approves Appendix 1 as its response to Midlothian Council's Local Development Plan Main Issues Report.

### Measures of success

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Success can be measured by the extent to which Midlothian Council has taken account of this Council's comments.

### Financial impact

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There is no financial impact arising from the report.

### Equalities impact

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There is no equalities impact arising as a result of this report's proposed response. Midlothian Council undertook an Equality and Rights Impact Assessment as part of the process of preparing the Main Issues Report.

## Sustainability impact

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The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account.

- The proposals in this report will reduce carbon emissions because they suggest alternative approaches to Midlothian Council for inclusion in the Proposed Plan.
- The proposals in this report will increase the city's resilience to climate change impacts because it is supportive of Midlothian Council's proposals for its Green Network and Strategic Green space.
- The proposals in this report will help achieve a sustainable Edinburgh because they suggest alternative more sustainable approaches to Midlothian Council for inclusion in the Proposed Plan, but also because they support proposed measures which demonstrate good environmental stewardship.

## Background reading / external references

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[Midlothian Local Development Plan: Main Issues Report 2013](#)

## Consultation on Midlothian Local Plan Main Issues Report

### 1. Background

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- 1.1 Councils have to prepare local development plans (LDPs) for their areas. This requirement is a key part of the modernisation of the planning system arising from the Planning etc. (Scotland) Act 2006. Once adopted, LDPs will replace existing local plans, in this case the Midlothian Local Plan 2008.
- 1.2 Midlothian Council is preparing its first LDP – the Midlothian Local Development Plan. The plan will cover a 10 year period to 2024. The first key stage in producing the LDP is the publication of the Main Issues Report (MIR). The MIR sets out the key issues for the LDP, and poses a series of questions inviting comments on the preferred development strategy and a series of reasonable alternatives.
- 1.3 There is a statutory requirement that the Midlothian Local Plan has to be consistent with the Strategic Development Plan (SDP) as prepared by SESplan. Members will be aware that the SDP examination into unresolved representations concluded in April and that Scottish Ministers approval of the plan at the end of June requires the preparation of supplementary guidance on housing land requirements. This requires a significant increase in the housing land requirement in the period to 2024 for the Edinburgh City Region. At the time of writing, it is not clear what the impacts of these changes will be on Midlothian. However, Midlothian Council will have to address this in the subsequent preparation of their LDP Proposed Plan.
- 1.4 Midlothian Council has invited the Council to comment on the MIR. The deadline for comments is 31 August.

### 2. Main report

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#### Consultation

- 2.1 Midlothian Council has published its Midlothian Local Plan Main Issues Report for consultation.
- 2.2 The purpose and content of a MIR is as follows:
  - it is the main consultation stage for the preparation of the LDP. By the time a council publishes its subsequent Proposed Plan it will have reached a settled position on matters and will not be seeking further views.

- the MIR is not a draft plan and does not need to cover all important planning matters;
  - it focuses on the main changes which need to be considered when moving from the existing plan(s) to the new plan; and
  - the MIR should be published before a council has reached a firm view on matters. It should set out options to which a council is not yet committed and from which choices can be made following consultation.
- 2.3 A main issue is one where change is needed and there is a choice of how to address that change. Many of the policies, proposals and designations in the existing Midlothian Local Plan are still relevant and therefore the intention is to roll them forward into the new LDP.
- 2.4 Midlothian Council's MIR sets out preferred options, reasonable alternatives, and, in some cases, invites suggestions. They are included for transparency and completeness. The document is also accompanied by a suite of technical documents including a Monitoring Report, an Environmental Report, and a Transport and Infrastructure Report.

### **Response**

- 2.5 The publication of the MIR is welcomed. The MIR sets out a development strategy and policies to bring the plan in line with the Strategic Development Plan (SDP). There is much to support in the MIR, which adopts a thorough approach and sets out a comprehensive set of options to deliver the strategic requirements of the SDP. The commitment to assessing the impact of new development through transport modelling in due course is also strongly welcomed.
- 2.6 Whilst there is much to be supported in the plan there are a number of areas of concern. Midlothian Council is asked to consider making changes to the preferred strategy, and to address the points raised in this report through the publication of the Proposed Plan. A full response to the questions posed in the MIR are set out Appendix 1. It includes the following key issues.

### **Straiton Retail Park**

- 2.7 The MIR proposes a significant expansion of Straiton retail park. The expansion is likely to more than double the size of the existing retail park. It could have a significant impact on Edinburgh in terms of generating congestion on the A720/A701, and in drawing away custom from Edinburgh city centre and town centres.
- 2.8 Midlothian Council has commissioned a retail study to justify this expanded retail provision. The justification set out in the retail study for the further expansion of Straiton is insufficient. Straiton has a peripheral location relative to the future growth in population and spending, and has a high dependence on trade from outwith Midlothian. The study overlooks the fact that local authority boundaries do not determine where people shop. In addition, the study uses optimistic assumptions to quantify future spending. Excessive new provision could therefore impact adversely on the vitality and viability of existing centres in Midlothian and Edinburgh. Midlothian has limited east/west public transport services. It is likely that the majority of people using the expanded retail centre will travel by car. As a result, the proposal does not constitute a particularly sustainable option.

- 2.9 The Planning Circular 1/2009: Development Planning requires the MIR to include one or more reasonable alternatives to the preferred proposals. Given the impacts of the preferred option, it would have been appropriate for Midlothian Council to consider alternative options that created additional retail development, of an appropriate scale, closer to the additional sources of demand.

### **A701 Corridor**

- 2.10 In conjunction with the proposed development within the A701 corridor, Midlothian Council is supporting the safeguarding of land for an A701 bypass to the west of the existing road. Whilst there is no objection to the principle of a bypass, the MIR does not set out a reasonable alternative involving improved public transport priority along the existing route. Such an option would have significantly less environmental impact.

### **Retail Development**

- 2.11 In addition to the Straiton retail proposal, the general retail approach set out in the plan raises concerns. The SDP supports a sequential approach to retail development, but the preferred strategy makes no reference to it. Unlike the Edinburgh Proposed LDP, the MIR does not seem to explore the impact of the economic downturn on retailing and the consequences for retail floorspace. In contrast to the Midlothian MIR, the Edinburgh LDP does not support the extension of any of its existing commercial centres.

### **Transport**

- 2.12 Although the MIR acknowledges the importance of identifying the impacts on the transport network of proposed development, and commits to detailed transport modelling being carried out prior to the publication of the proposed plan, it is important that the cumulative impact of development in the SESplan area is assessed, including any cross boundary impacts. Midlothian Council is asked to take cognisance of the Edinburgh LDP and its Transport Appraisal when carrying out transport modelling. There may well be a need for a cross boundary approach regarding the collection of developer contributions to fund new 'strategic' infrastructure. This is an issue which will require to be progressed in the context of SDP and its Action Programme.

### **Hillend Country Park**

- 2.13 Finally, there are concerns regarding proposals for Hillend Country Park. Whilst, in principle, proposals to accompany the snowsports centre are supported, the suggestion of retail development is not supported. Hillend Country Park is not a good location for retail development, as it would create an out of town retail development, poorly located to public transport links. It is also inconsistent with the sequential approach. Regardless, the transport impacts or further development at Hillend would have to be carefully considered in the transport modelling.

### 3. Recommendations

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- 3.1 It is recommended that the Committee approves the Council's response to Midlothian Council's Local Development Plan Main Issues Report.

#### Mark Turley

Director of Services for Communities

#### Links

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<b>Coalition pledges</b>	P15. Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors. P50. Meet greenhouse gas targets, including the national targets of 42% by 2020.
<b>Council outcomes</b>	CO7. Edinburgh draws new investment in development and regeneration. CO8. Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	SO1. Edinburgh's economy delivers increased investment, jobs and opportunities for all.
<b>Appendices</b> *	Appendix 1: Response by City of Edinburgh Council to Midlothian Councils Consultation on the Midlothian Local Development Plan Main Issues Report

## **APPENDIX 1**

### **Response by City of Edinburgh Council to Midlothian Council's consultation on Midlothian Local Development Plan Main Issues Report**

## **Consultation Questions**

### **Vision**

Do you agree with the vision? If not how should it be amended?

*The Council welcomes and supports the overall approach, however, it should be made more consistent with the SDP by referring throughout to the 'Edinburgh City Region' instead of "South East of Scotland" which would more accurately set the context within which the plan will function.*

### **Aims and Objectives**

Do you agree with the proposed changes to the Aims and Objectives? If not, what changes would you like to see?

*The Council welcomes and supports the aims and objectives, however, it would be more consistent with the SDP if it made reference to pursuing improved infrastructure including sustainable transport modes.*

### **Sustainable Place Making**

Do you consider the sustainable place-making factors listed above to be the right ones for the development strategy for Midlothian? If not, what factors do you consider should influence the strategy and why?

*The Council welcomes the proposed approach.*

### **Development Strategy**

Do you agree with the preferred selection of sites for the South East Edinburgh (Shawfair) strategic Development Area?

*The Council welcomes the proposed approach. However, it is important that the transport impacts, in particular the impact on the A720, and appropriate mitigation, are thoroughly assessed in the forthcoming transport modelling.*

Do you agree with the preferred selection of sites for the A7/A68/Borders Rail Corridor Strategic Development Area?

*The Council welcomes the proposed approach. However, it is important that the transport impacts, in particular the impact on the A720, and appropriate mitigation, are thoroughly assessed in the forthcoming transport modelling.*

Do you agree with the preferred selection of sites for the A701 Corridor Strategic Development Area?

*The Council has significant concerns regarding the expansion of the Straiton retail park. Although at this stage it is not clear the final extent of the expansion, it is likely that the retail park will more than double in size.*

*The Council does not agree that the western expansion of Straiton will be the best solution for meeting the future needs of shoppers in Midlothian or in the wider area. There is insufficient justification set out in the retail study for the further expansion of Straiton given its peripheral location relative to future growth in population and spending in Midlothian, its high dependence on trade drawn from outwith Midlothian, and the fact that local authority boundaries do not influence where people shop.*

*The retail study makes it clear that the expanding park will be catering mainly for additional retail (comparison shopping) demand in the A7/A68 corridor. It acknowledges that east/west public transport links between Straiton and the A7/A68 corridor are limited. The focus of the retail strategy appears to be on stemming 'leakage' of comparison goods spending from Midlothian. However, there is no requirement in the SDP to minimise 'leakage' from local authority areas. Measures to reduce 'leakage' could actually lead to longer and less sustainable shopping patterns. This could also disadvantage those sections of the community that do not have access to a car.*

*The study uses optimistic assumptions to quantify future spending, which creates a significant risk that new development could rely on diversion of trade, thus impacting adversely on the vitality and viability of existing town and regional centres in Midlothian and elsewhere. One example is the predicted real growth in per capita spending on comparison goods of 4.7% per annum. Over the 9 year period 2012-2021 this leads to a cumulative growth of 77.5%. This seems optimistic given the current prolonged economic downturn and is inconsistent with more recent Experian forecasts (Experian Retail Planner Briefing Note 10.1, September 2012).*

*Whilst the Council acknowledges there is a need for further retail development to meet additional demand as a result of new housing development, it is not persuaded that this is the most sustainable option to address this demand. Furthermore, the approach adopted does not include consideration of a reasonable alternative which is inconsistent with, para 45 of the Planning Circular 1/2009: Development Planning.*

*Given the scale of development proposed in this corridor, it is inevitable that there will be a significant transport impact. The Council stresses the importance of the transport modelling in assessing these impacts and identifying appropriate mitigation.*

Or would you support some or all of the reasonable alternatives, or some other sites to meet the SESplan housing requirement?

*The Council considers that a reasonable alternative to the expansion of Straiton Retail Park should have been identified.*

### Development Strategy – A701 Route alignment

Do you support the proposal to safeguard a route for a realigned A701, as a replacement for the consented roadline (alignment as shown in current Local Plan)?

*The Council does not object to the principle of the bypass road particularly if the opportunity is taken to provide rigorous bus priority on the existing road. However, a reasonable alternative measure would be to invest in improved public transport priority along the existing road, without the need for the construction of a new road and its inevitable environmental impact.*

What is your view for the proposed alignment, including the link to the A702?

*The Council does not have a preference for the alignment.*

Should all the land within the A701 realignment be removed from the Green Belt (refer to paragraph 6.10 and Figure 6.4 in the Green Belt section)?

What combination of uses should be supported within this area?

*The Council has major concerns regarding the expansion of Straiton Retail Park to the west of the existing A701. Therefore, the Council considers there would be justification for keeping the area within the Green Belt.*

### Development Strategy – Penicuik Rail Option

Do you support further route investigation and a feasibility study being undertaken into a new heavy or light rail route to Penicuik?

*The Council welcomes the proposed approach and is willing to cooperate with any study.*

### Retailing

Do you agree with the preferred strategy for retailing as set out in paragraph 4.10?

*The Council has concerns regarding the preferred strategy. The SDP supports a sequential approach to retail development, however, the preferred strategy makes no reference to it. The MIR does not seem to explore the impact of the economic downturn on retailing, and the consequences for retail floorspace. It would be helpful to assess the effects of this.*

Straiton

Do you support the notion of a 'Midlothian Gateway' with an expansion of Straiton to the west of the A701, for mixed use development including retail, commercial and other uses?

*As stated above the Council has significant concerns with the expansion of Straiton Retail Park. No consideration has been given to a reasonable alternative, contrary to Circular 1:2009: Development Planning. The Council is not convinced the expansion is the best or most sustainable option for meeting additional retail demand as a result of new development in Midlothian. Furthermore, the approach adopted to justify the proposal treats Midlothian as a self contained area, in terms of retail provision. That sits at odds with the SDP which sets out a network of centres across the whole city region with Edinburgh city centre as the prime retail location.*

#### New superstore for A7/A68 Borders Rail corridor

In addition, to the consented retail floorspace, should a site be identified in the MLDP for a new superstore in the Redheugh area or would such a facility be better located further north in the Newtongrange area?

*No comments*

#### Town Centres

Should the MLDP seek to control the change from retail to non-retail uses in Dalkeith town centre only?

*No Comments*

Should a more flexible approach be applied to other town centres to allow a change to more community-based or other uses to restore vitality to these town centres?

Do you think this would secure their long term future?

*No comments*

#### Tourist Accommodation

Do you agree with the current Local Plan approach to tourism which supports tourist accommodation, principally in settlements but also in 'gateway' locations with ease of access to the City Bypass?

*Depending on the locations of new tourism development, the Council may have some concerns regarding the transport impacts. These impacts require to be assessed as part of the transport modelling. To be consistent with the SDP, it is recommended that the LDP strategy should seek to take advantage of locations with good access to sustainable transport modes and not just road links.*

Alternatively, do you think that there should be specific locations identified for tourist accommodation (hotels or self-catering) and if so where?

*No comments*

### Green Belt

Do you agree with the proposed alterations (Preferred option) to the Green Belt?

*The Council welcomes the alterations with the exception of changes to accommodate a significantly expanded Straiton Retail Park.*

Do you agree with the alternative option, that only the development sites within the route of the new proposed A701 alignment (site BN1- Seafield Road, Bilston; site LD1 West Straiton; and the additional development opportunity at site BN3, Pentland Plants) be removed from the Green Belt?

*The Council welcomes the preferred approach with the caveat mentioned above.*

Do you suggest any further changes to the Green Belt?

*No further changes are suggested.*

### Midlothian Green Network

Do you agree with the suggested approach for safeguarding and expanding Midlothian's Green Network, including the themes?

*The Council welcomes the proposed approach. However, the Council would like to see an additional link added to Midlothian's strategic green network that connects Midlothian's green network route 10 (at Roslin) and route 12 (at Flotterstone). This fills a significant gap between Midlothian's extensive green networks in northern Midlothian with the Pentlands Hills. In combination with the City of Edinburgh Council's planned Family Cycle Network it would create a pleasant link from South Edinburgh, Loanhead and Roslin into the heart of the Pentlands. It would also create a circular route for walking and cycling for residents of Edinburgh and Midlothian (a map can be provided on request). Most of the suggested route is already usable, however some improvements will be needed alongside and crossing the A701 and A702 roads.*

*In 2013/14 the City of Edinburgh Council will be extending the Loanhead to Straiton Path as far as Gilmerton and will provide signage for a Family Network route into the Pentlands Hills from Morningside. Both of these will help create the Edinburgh/Midlothian circular route Edinburgh Council aspires to.*

Do you agree with the strategic Green Network Routes identified?

*The Council welcomes the proposed approach*

Newbattle 'Strategic Greenspace' safeguard

Do you support the notion of a long term 'strategic greenspace' safeguard centred on Newbattle?

*The Council welcomes the proposed approach*

Energy for Buildings

Do you agree with the preferred approach?

*The Council welcomes the proposed approach*

Wind Energy

Do you support the continuation of the preferred approach?

*The Council welcomes the proposed approach*

Community Renewables and Other Forms of Renewable Energy

Do you consider that the MLDP has a role in further encouraging and promoting the development of renewable energy, particularly at an individual and community level?

*No comments*

Mineral Working-Area of Search for Aggregates and Coal

Do you support the preferred strategy for areas of search for sand and gravel?

*The Council welcomes the proposed approach*

Onshore Gas Extraction

Are the existing Resource Protection policies adequate to handle planning applications for onshore gas and underground coal gasification facilities or is a specific policy for these operations required?

*No comments*

## Infrastructure

Have you any views on the transport, education, health and other community infrastructure requirements arising from new development as identified above?

*The Council has some concerns. There is no reference to cross boundary transport issues or the cumulative impact of development within the SESplan area on the transport network. There is an opportunity for the transport modelling to take cognisance of the CEC Proposed LDP and its Transport Appraisal, when assessing the transport impacts of development in Midlothian to ensure accurate modelling using the latest data. Section 8.4 of CEC's Transport Appraisal is relevant here. There may be a need for a cross boundary approach with regard to the collection of developer contributions in order to deliver certain 'strategic' transport interventions. This is an issue that will require to be progressed at the SDP level and in the context of the SDP Action Programme.*

## Infrastructure – sports Provision

Have you any views on the quantity, location, use and availability of sports facilities?

*No comments*

## Waste

Are there any specific sites or proposals for waste processing facilities which you think should be allocated to meet Zero Waste Plan objectives?

*No comments*

## Affordable Housing

It is proposed to continue the current Local Plan requirement for 25% affordable housing to be provided in connection with all new housing allocations, subject to a possible reduction for smaller sites. Do you consider this reasonable?

*No comments*

## Housing amenity

Do you have a view on the type and design of new housing that you would like to see in Midlothian?

*No comments*

Do you have a view on the type of protection which should be afforded to the amenity of residential park homes?

*No comments*

### Employment Land

Do you agree with the proposed changes to the established economic land supply and use classes assigned to specific sites as indicated?

*The Council supports the proposed approach in line with the SDP. However, the transport impacts of development should be assessed thoroughly as part of the transport modelling.*

### Housing groups in the countryside

Should there continue to be support for new housing in rural housing groups?

*No comments*

### Low density rural housing

Should the low density rural housing policy be removed as there is little evidence of need/demand; or should higher densities be permitted (up to a maximum number of units per site) with the expectation that this would deliver new housing groups in the countryside?

*No comments*

### River Valley Policy

Should the river valley policy be amended to be less restrictive where the policy area overlaps with urban areas?

*No comments*

### Hillend Country Park/Midlothian snowsports Centre

Should Hillend Country Park and adjacent land along the A702 be promoted for wider active rural leisure and associated uses eg tourism accommodation, associated retail (outdoor leisure goods), to support the Midlothian snowsports Centre (where appropriate) but also to provide business and employment opportunities?

*The Council has some concerns particularly with regard to retail development. Any retail development should be ancillary to the existing use. Its impact should be thoroughly assessed and justified in the context of the snowsports centre. In addition, the transport impacts of development at Hillend should be assessed thoroughly as part of the transport modelling.*

### Special Landscape Areas

Do you support the definition and extent of the candidate Special Landscape Areas?

*The Council welcomes the proposed approach*

## Equalities

Do you have any views on whether or not any of the land use issues raised in the Main Issues Report are likely to have a positive or negative impact on these groups?

*No comments*

Can you think of any other matters, relevant to land use planning, that have been omitted from this document which, if taken forward in the Proposed Plan, might have a beneficial impact on these groups?

*No comments*